UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,803	06/23/2000	Edward A. Hubbard	UNTD:011	2640

			EXAMINER
29444	7590	05/20/2004	SHAH, NILESH R

KELLY KORDZIK
WINSTEAD SECHREST & MINICK P.C.
5400 RENAISSANCE TOWER
DALLAS, TX 75270

ART UNIT	PAPER NUMBER
2127	

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*25 February 2004*</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>*23-30*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>*23-30*</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>7</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. Claims 23-30 are presented for examination.

Drawings

2. The informal drawings are not of sufficient quality to permit examination. Accordingly,

new drawings are required in reply to this Office action.

Applicant is given a TWO MONTH time period to submit new drawings in compliance

with 37 CFR 1.81. Extensions of time may be obtained under the provisions of 37 CFR

1.136(a). Failure to timely submit new drawings will result in **ABANDONMENT** of the

application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the
> prior art are such that the subject matter as a whole would have been obvious at the time the invention
> was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability
> shall not be negatived by the manner in which the invention was made.

4. Claims 23-30 are rejected under 35 U.S.C. 103(a) as being obvious over Goldszmidt et al

(6,195,680) (hereinafter Goldszmidt) in view of Hagersten et al (5,829,033) (Hagersten).

5. As per claim 23 Goldszmidt teaches a method operating a distributed processing system having a network coupling a multiplicity of Host distributed devices for processing workloads for the distributed processing system, a plurality of Client systems requesting processing of the workloads, and a Server system for selectively distributing the workloads from the plurality of Client systems for processing by the distributed processing system (col. 3 lines 12-21, col. 5 lines 55-63) comprising the steps of

receiving a request by the Server system from one of the plurality of Client systems to use the distributed processing system to process a first workload (col. 3 lines 12-21, col. 4 lines 54-65);

sending the first workload to a first Host distributed device selected from the multiplicity of Host distributed devices (col. 5 lines 33-47). Goldszmidt does not specifically teach the use of a data address index.

Hagersten teaches a method of accessing the first data from a first data address selected from the one or more data addresses in the index (col. 24 lines 17-23, col. 7 lines 18-29, col. 11 lines 14-21); and

sending to the first Host distributed device an index of one or more data addresses

defining a location of first data required to process the first workload (col. 8 lines 4-20,

col. 24 lines 17-23, col. 7 lines 18-29)

updating the index to include a storage address of storage coupled to the first Host

distributed device as a location of the first data (col. 36 lines 36-40, col. 7 lines 18-30). It

would have been obvious to one skilled in the art to combine the teachings of Goldszmidt

and Hagersten in order to identify different data addresses. By having different address

the user is able to keep track of each process and monitor different workloads within the

system.

6. As per claim 24, Hagersten teaches a method wherein the multiplicity of Host distributed

    devices are coupled to the network in response to an incentive supplied by the Server

    system (col. 4 lines 40-50).

7. As per claim 25, Hagersten teaches a method wherein the incentive defines an advantage

    for the multiplicity of Host distributed devices to couple to the network (col. 4 lines 40-

    50).

8. As per claim 26, Goldszmidt teaches a method wherein the first Host distributed device is

    selected to process the first workload in response to capability values of a capability

vector for the first system stored in a capability database coupled to the server system (col. 5 lines 55-64).

9. As per claim 27, Hagersten teaches a method wherein the first Host distributed device is selected to process the first workload in part because a data address for the first data required to process the first workload in the index corresponds to a storage address for accessing storage coupled to the first Host distributed device (col. 7 lines 18-30).

10. As per claim 28 Goldszmidt teaches distributed data processing system comprising: a multiplicity of Host distributed devices coupled to a network such that the Host distributed devices process workloads for the distributed processing system (col. 3 lines 12-21, col. 5 lines 55-63);

a Server system coupled to the network for distributing workloads to selected of the multiplicity of Host distributed devices (col. 5 lines 55-64);

a database coupled to the Server system for storing capability vectors having capability values defining an ability of each of the multiplicity of Host processing devices has for processing workloads for the distributed processing system (col. 17 lines 45-60, col. 5 lines 55-64). Goldszmidt does not specifically teach the use of a data address index.

an index stored in the database having one or more storage addresses defining storage

locations for accessing data required to process workloads for the distributed processing

system(col. 24 lines 17-23, col. 7 lines 18-29, col. 11 lines 14-21);

circuitry for accessing first data required for a first workload by a first Host distributed

device processing the first workload using an address of the first data stored in the index,

wherein the first Host distributed device stores the first data at a first data address when

processing the first workload (col. 8 lines 4-20, col. 24 lines 17-23, col. 7 lines 18-29)

and

circuitry in the first Host distributed device for automatically updating the index in the

database to include the first data address as a location for the first data(col. 36 lines 36-

40, col. 7 lines 18-30).

11. As per claim 29, Goldszmidt teaches computer program product operating within a

Server system managing a distributed processing system, wherein the Server system is

coupled to a network, the network configured to enable the Server system to be coupled

to a multiplicity of Host distributed devices for processing workloads for the distributed

processing (col. 3 lines 12-21, col. 5 lines 55-63) system, the program product

comprising a program of instructions for performing the program steps of:

configuring a database in storage coupled to the Server system for storing and accessing

capability vectors have capability values defining an ability each of the multiplicity of

Host distributed devices has for processing workloads for the distributed processing

system (col. 5 lines 55-64). Goldszmidt does not specifically teach the use of a data

address index.

configuring an index in the database for storing addresses defining locations of data

required to process each workload the Server system submits to the distributed processing

system for processing(col. 24 lines 17-23, col. 7 lines 18-29, col. 11 lines 14-21);;

sending storage addresses of first data required to process a first workload for from the

index to a first Host distributed device when the first Host distributed device is selected

to process the first workload(col. 8 lines 4-20, col. 24 lines 17-23, col. 7 lines 18-29);

and updating the index with a storage address of the first data within storage coupled to

the first Host distributed device when the first Host distributed device is selected to

process the first workload (col. 36 lines 36-40, col. 7 lines 18-30).

12. Claim 30 is rejected based on claim 23 above.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nilesh R Shah whose telephone number is 703-305-8105.

The examiner can normally be reached on Monday-Friday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng An can be reached on 703-305-9678. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access

to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

NS

May 12, 2004

MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100